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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,812	05/04/2001	Mitchell S. Askenas	1436/159	7911
2101 7590 05/01/2007 BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER SALTARELLI, DOMINIC D	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/848,812	ASKENAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dominic D. Saltarelli	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 1, 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new grounds of rejection.

3. Further, applicant has not traversed examiner's use of official notice that the use of graphical user interfaces was notoriously well known at the time, as such tools provide easy access for retrieval and manipulation of digital data, and is thus taken as an admission of the facts herein. See MPEP 2144.03.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 10-14, 17-21, and 24-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Augenbraun et al. (US 2002/0026642 A1) [Augenbraun].

Regarding claims 1, 10, 17, 24, 25, 26, 28, 29, and 32, Augenbraun discloses a television headend for delivery of television channels to a plurality of subscriber televisions (fig. 1, cable headend 12) and comprising:

a web content server in communication with the television headend (web page generator 25, paragraph 0023) and including a browser application including at least one instance of the browser application to capture successive images of the web page displayed thereby (paragraph 0026) and an image compressor to compress the successive images captured by the image capture module from the at least one instance of the browser application for delivery as a television channel (paragraphs 0027, 0030, 0031, 0032, and 0035), separately selectable to any of the plurality of subscriber televisions to permit simultaneous viewing on subscriber televisions at which the television channel is selected (paragraph 0036 and 0038), wherein the web page includes a streaming video element and wherein the successive images of the web page produce a video stream making the streaming video element viewable on a subscriber television (paragraph 0038, "This design not only supports the broadcast of static web pages, but support series of web pages and animated web pages.").

Regarding claims 2-4, 11-13, and 18-20, Augenbraun discloses the headend and method of claims 1 and 10, wherein the web content server further comprises:

setup records each corresponding with an instance of the browser application and each including parameters corresponding with a starting uniform resource locator (URL), a television channel identifier of a corresponding television channel, and a reload [image capture] interval defining for each instance a corresponding interval for reloading a web page identified by the starting URL;

a generator coupled to the setup records and configured to generate a corresponding browser instance from each setup record including a loading of a webpage identified by the starting URL in the corresponding setup record; and

a controller coupled to the setup records and to each browser instance generated by the generator to control the reload interval for each browser instance to conform with the reload interval in the corresponding setup record (paragraph 0037).

Regarding claims 5, 27, and 31, Augenbraun disclose the television headend of claims 1, 26, and 29, wherein the web page displayed by the at least one instance of the browser application includes at least one frame portion and a script which identifies a set of web pages and a corresponding upload interval for each of the web pages in the set; and the script executable by the at least one

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instance of the browser application to sequentially upload each of the web pages identified in the set into the at least one frame portion for capture by the image capture module and subsequent display on the corresponding selectable television channel ('current HTML can step through the series of pages', paragraph 0037).

Regarding claims 6, 14, 21, and 30, Augenbraun discloses the television headend and method of claims 1, 10, 18, and 29, wherein the web content server further comprises:

the browser application includes a first browser instance and a second browser instance each displaying a corresponding web page and a multiplexer with inputs coupled to the image compressor and an output for multiplexing corresponding images from the first and second browser instances onto a single analog television channel as discrete digital television channels (paragraph 0027).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 7-9, 15, 16, 22, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Augenbraun.

Regarding claims 7-9, 15, 16, 22, and 23, Augenbraun discloses the television headend and method of claims 1, 10, and 17, wherein the web content server further comprises a database containing setup records, each setup record including a starting uniform resource locator (URL), a television channel identifier and a reload [image capture] interval defining for each instance a corresponding interval for reloading a web page identified by the starting URL; and

a controller coupled to the database and to each browser instance generated by a generator to control the reload interval for each browser instance to conform with the reload interval in the corresponding setup record (paragraph 0037).

Augenbraun fails to disclose an administrative module providing graphical user interfaces to input and update setup records in the database.

The use of graphical user interfaces was notoriously well known at the time, as such tools provide easy access for retrieval and manipulation of digital data.

It would have been obvious at the time to a person of ordinary skill in the art to modify the headend of Augenbraun to include an administrative module providing graphical user interfaces to input and update setup records in the database, as graphical user interfaces provide easy and intuitive access for retrieval and manipulation of digital data by users.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER